IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.MC.No. 1179 of 2007()

AGAINST THE ORDER DATED 10/01/2007 IN CRMP 107/2007 IN CRA.31/2007 of SESSIONS COURT, ALAPPUZHA

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PETITIONER/APPELLANT IN THE APPEAL:

MATHEW C.MATHEW, S/O.C.V.MATHEW,
CHIRAYIL VEEDU, KALAVOOR P.O., ALAPPUZHA.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS/COMPLAINANT:

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1. P.X.RUDOLPH, S./O.ANDREWS XAVIEW,
PALLICKATHYIL HOUSE, ARTHINKAL P.O.,
CHERTHALA.

2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/04/2007 ALONG WITH CRL.M.C.NO.1180/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.Nos.1179 & 1180 of 2007

Dated this the 12th day of April 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act in these two connected cases. He has preferred appeals. Appeals have been admitted. Sentences have been suspended subject to conditions. He has been directed to execute bonds. In Crl.A.No.31/07, he has been directed to deposit an amount of Rs.35,000/- and in Crl.A.No.39/07, he has been directed to deposit an amount of Rs.15,000/-. He could not deposit the amount. He, therefore, applied for extension of time. The prayer for extension of time was rejected. The learned Sessions Judge has now directed that the appeals be listed for hearing on 25/5/2007.

2. The petitioner, in these circumstances, has come before this court with the prayer that such condition of deposit may be dispensed with. He is facing acute financial difficulty and if insistence were made on the condition, the petitioner will

have to undergo imprisonment even before his appeal is taken up for consideration. This, in short, is the plea.

3. The learned Sessions Judge has already directed that the appeal shall be taken up for consideration on 25/5/2007. I am satisfied that relief can be granted to the petitioner subject to appropriate conditions.

4. These Criminal Miscellaneous Cases are in these circumstances, allowed in part. The petitioner shall deposit an amount of Rs.15,000/- (Rupees fifteen thousand only) in Crl.A.No.31/07 and an amount of Rs.5,000/- (Rupees five thousand only) in Crl.A.No.39/07 by 07/05/2007 before the learned Magistrate and in such event, the sentences against the petitioner shall not be executed till 15/6/2007. The learned Sessions Judge shall dispose of both appeals by 15/6/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF APRIL 2007